

period of seven months and nine days from its passage during which liquors could be disposed of free from any restriction imposed by the Federal Government. Thereafter, until the end of the war and the termination of mobilization, it permits an unrestricted sale for export, and within the United States, sales for other than beverage purposes.

**AMPLE TIME GIVEN FOR DISPOSAL OF STOCKS.**  
The uncompensated restriction upon the disposition of liquors imposed by this act is of a nature far less severe than the restrictions on the use of property acquired before the enactment of the Prohibition Law, which were held to be permissible in cases arising under the fourteenth amendment.

The question whether an absolute prohibition of sale could be applied by a State to liquor before the enactment of the prohibitory law has been raised by this court, but not answered, because unnecessary to a decision, but no reason appears why a State statute, which postpones the effective date long enough to enable those engaged in the business to dispose of stocks on hand at the date of its enactment, should be objectionable to the fourteenth amendment, or why such a Federal statute should be objectionable to the fifth amendment.

"We cannot say that seven months and nine days was not a reasonable time within which to dispose of stocks on hand. The amount then in storage was materially less than was usually carried because no such liquor could be lawfully made in America under the Lever Food and Fuel Control Act after Sept. 9, 1918. And, as is suggested, the liquors remaining in bond Nov. 2, 1918, were not sufficiently ripened or aged to permit them to be advantageously disposed of within the limited period of seven months and nine days thereafter, the resulting inconvenience to the owner, attributable to the inherent qualities of the property itself, cannot be regarded as a taking of property in the constitutional sense."

#### CITES PASSAGE OF ACT OVER PRESIDENT'S VETO.

"Did the act become void by the passing of the war emergency before the commencement of these suits? It is conceded that the mere cessation of hostilities under the armistice did not abridge or suspend the power of Congress to resort to prohibition of the liquor traffic as a means of increasing war efficiency; that the purpose and care of the army and navy during demobilization was within the war emergency; and that hence the act was valid when passed. The contention is that between the date of its enactment and the commencement of these suits it had become evident that hostilities would not be resumed; that demobilization had been effected; that thereby the war emergency was removed; and that when the emergency ceased the statute became void."

"To establish that the emergency has passed, statements and acts of the President and of other executive officers are adduced, some of them antedating the enactment of the statute here in question. . . . But we have also the fact that since these statements were made and these acts were done, Congress, on Oct. 25, 1919, passed over the President's veto the National Prohibition Act; that the Senate on Nov. 13, 1919, refused to ratify the treaty of peace with Germany; that the provisions of the Lever act he resumed on Oct. 30, 1919, the control of the fuel supply; that he is still operating the railroads, of which control had been taken as a war measure; and that on Nov. 13, 1919, he vetoed Senate Bill 641 because it diminished that control; that pursuant to the act of March 14, 1919, he continues to control by means of the Food Administration Grain Corporation the supply of grain and wheat flour; that through the United States Sugar Refining Board, Inc., he still regulates the price of sugar; that in his message to Congress on Dec. 2, 1919, he urged the recommendation of the further extension for six months of the powers of the Food Administration; that as Commander in Chief he still keeps a part of the army in enemy occupied territory and another part in Siberia; and that he has refrained from issuing the proclamation declaring the termination of demobilization for which this act provides. . . .

#### MAY NOT INQUIRE INTO MOTIVES OF CONGRESS.

"The principle of our constitutional law is more firmly established than that this court may not, in passing upon the validity of a statute inquire into the motives of Congress. Nor may the court inquire into the wisdom of the legislation. Nor may it pass on the necessity for the exercise of a power possessed since the possible abuse of a power is not an argument against its exercise."

"Conceding for the purposes of the present case, that the question of the continued validity of the War Prohibition Act under the changed circumstances depends upon whether it appears that there is no longer any necessity for the prohibition of the sale of distilled spirits for beverage purposes, it is not to be said that on obvious grounds every reasonable intention must be made in favor of its continuing validity, the prescribed period of limitation not having arrived; that to Congress in the exercise of its powers, not least the war power upon which the very life of the Nation depends, a wide latitude of discretion must be accorded and that it would require a clear case to justify a court in declaring that such an act, passed for such a purpose, had ceased to have force because the power of Congress no longer continued."

"In view of facts of public knowledge, some of which have been referred to, and which are unable to conclude that the act has ceased to be valid."

#### NOT REPEALED BY THE 18TH AMENDMENT.

"Was the act repealed by the adoption of the Eighteenth Amendment? By the express terms of the amendment the prohibition thereby imposed becomes effective after one year from its ratification. Ratification was proclaimed on Jan. 29, 1919. The contention is that, as the amendment became an integral part of the Constitution, its implications are as binding as its language; that in postponing the effective date of the Prohibition the amendment impliedly guaranteed to manufacturers and dealers in intoxicating liquors a year of grace, and that not only was Congress prohibited thereby from enacting mean-

while new Prohibition legislation, but also that the then existing restriction imposed by the wartime Prohibition Act was removed."

"The Eighteenth Amendment with its implications, if any, is binding not only in times of peace, but in war. . . . Furthermore, the amendment is binding alike upon the United States and the individual States. If it guarantees a year of immunity from interference by the Federal Government with the liquor traffic, it is difficult to see why the guaranty does not extend also to the individual States, with like result also as to the existing State legislation. The contention is clearly unsound."

"Did the prohibition imposed by the act expire by limitation before the commencement of these suits? It is contended both that the war has been concluded and that the demobilization has terminated."

#### AS TO THE OFFICIAL TERMINATION OF THE WAR.

"In the absence of specific provisions to the contrary, the period of the war held to extend to the ratification of the Treaty of Peace or the proclamation of peace. From the fact that other statutes concerning war activities contain such a specific period for enforcement, it shall cease to be operative, and from the alleged absence of such a provision here, it is argued that the term 'conclusion of the war' should be given its ordinary legal meaning; that instead it should be construed as the time when actual hostilities ceased; or when the Treaty of Peace was signed at Versailles, on June 28, 1919, by the American and German representatives; or, more generally, when the actual war emergency caused by reason of our complete victory, its disarmament by the enemy, coupled with the demobilization of our army and the closing of war activities; or when the declared purpose of the act of 'conserving the most power of the Nation and to increase efficiency in the production of arms, munitions, ships, food and clothing for the army and navy' shall have been fully satisfied."

"But there is nothing in the words used to justify such a construction. 'Conclusion of the war' clearly did not mean cessation of hostilities; because the act was approved ten days after hostilities had ceased, and the signing of the armistice. Nor may we assume that Congress intended by the phrase to designate the date when the Treaty of Peace should be signed. The words 'conclusion of the war' are used in the Constitution as a treaty is only a proposal until approved by the Senate. The conclusion of the war would precede the termination of demobilization."

#### FIXED ONLY BY PROCLAMATION OF THE PRESIDENT.

"Congress, therefore, provided that the time when the act ceased to be operative should be fixed by the President's ascertaining and proclaiming the date when demobilization had terminated."

"It is contended that he has done so. The contention does violence to both the language and the evident purpose of the provision. . . . When the President mentioned in his veto message the 'demobilization of the army and navy' the words were doubtless used in a popular sense, just as he had declared to Congress on the occasion of the signing of the armistice: 'The war thus comes to an end.'"

"If he had believed on Oct. 28, 1919, that demobilization had, in an exact sense, terminated, he would doubtless have issued then a proclamation to that effect, for he had manifested a strong conviction that restriction upon the sale of liquor should end."

#### MEXICANS FREE HUGO; LANSING ACTS PROMPTLY

Midnapped American is Released Without Payment of \$10,000 Ransom Demanded.

EAGLE PASS, Tex., Dec. 15.—Fred G. Hugo of El Paso, manager of the J. M. Doble ranch near Muzquiz, Mex., has been released by the Villistas, who had held him for \$10,000 ransom, according to advices received here today. No ransom money was paid.

Several prominent Mexicans taken with Hugo in the recent raid on Muzquiz, and held for \$5,000 ransom each, were released without payment of any money, his advices stated.

WASHINGTON, Dec. 15.—The American Embassy at Mexico City was directed today by the State Department to make representations to the Mexican Government regarding the kidnapping of Fred G. Hugo, American manager of the J. M. Doble ranch near Muzquiz by Villistas last week.

The Embassy and the American Consul at Eagle Pass, Texas, have been instructed to make an independent investigation of the incident and also to investigate reports that the Villistas carried off another American named Phil Jenkins last week.

According to advices from Mexico, the Jenkins case, which was referred recently from the Puebla State Second Court to the Federal Supreme Court of Mexico, will be decided by the latter tribunal today.

#### BELA KUN FOLLOWERS SENTENCED TO DEATH

Fourteen Are to Be Hanged and Many Others Are Sent to Prison.

HUDDLEST, Dec. 15.—Sentencing of the Communists, recently convicted of crimes during the Bela Kun dictatorship, has begun.

Fourteen were sentenced to death by hanging, one to life imprisonment and a large number to terms of various periods at hard labor.

Stamford Selectman Dies.

STAMFORD, Conn., Dec. 15.—Capt. Charles T. Hobbie, who was in his eightieth year as third selectman of Stamford, died at his home here last night. He was sixty-two years old.

Prison realized on Swift & Company as executor of estate of J. B. Quinn. The estate of J. B. Quinn, who died last week, was sold for \$100,000. The estate was sold for \$100,000. The estate was sold for \$100,000.

## NINETY PER CENT. OF COAL MINERS BACK AT WORK

Union Leaders Predict Many More Will Return Before End of Day.

CHICAGO, Dec. 15.—Restrictions on the use of coal made necessary by the recent strike of miners in the bituminous fields were removed today and industry throughout the country approached a normal basis. Regional Fuel Directors continued to exercise supervision over distribution, however, in order that restoration of the depleted reserves may be equitable.

From nearly all of the coal fields reports came that fully 90 per cent. of the miners were at the pits today, and heads of the United Mine Workers of America predicted that 95 per cent. of the men would be at the mines by to-night. In a few instances locals voted to remain idle, pending a further adjustment of wages by the commission which President Wilson is expected to appoint to take up the question.

Operators said nothing like a normal output could be expected for several days, as it was necessary to clear away debris, which had accumulated in a large number of properties during the forty days of the strike, before hoisting of coal could begin.

Stores which had been limited to a business day of only six hours for more than a week, in many localities, opened at the regular hour today and factories closed or allowed to run only three days a week, began operations on full time. The restoration of hundreds of passenger trains which had been annulled to conserve fuel was begun and regional directors said former schedules would be in force in a day or two.

Shipments of newly mined coal have been started from a few mines, and were expected to be in the hands of distributors before the end of the day.

#### FOREIGN SHIPS GET COAL; HUNDREDS TO SAIL SOON

Fuel Ban Relaxed, But Coastwise and American Vessels Will Be Supplied First.

WASHINGTON, Dec. 15.—Restriction against supplying fuel coal to foreign ships were relaxed today by the Railroad Administration to permit the departure of hundreds of foreign vessels which have been held in Atlantic and other ports since the shortage of coal became acute.

Director General Hines ordered that vessels should be supplied in the following order: (1) Inland and coastwise vessels. (2) American overseas vessels. (3) Foreign overseas vessels. Heretofore the only foreign ships which have been allowed to obtain coal were fast mail and passenger liners.

#### CLEMENCEAU KEPT AT HOME

Doctors Say Health Is Good Notwithstanding Broken Rib.

PARIS, Dec. 15.—Premier Clemenceau was suffering inconvenience today from the broken rib which he sustained while on his trip to England last week. His general health was found to be good by Drs. Fugier and Leclercq. They advise him to remain at home.

The Premier followed instructions and received visitors at his residence.

Dr. Bryce Marx Dead.

Dr. Bryce Marx, for 20 years connected with the New York Health Department, died at his home in New Rochelle this morning. He retired about eleven years ago from the health department where he acted as a veterinarian. He was born in New York City May 20, 1844. He is survived by a daughter.

Expatriate Grey's Leave of Absence.

LONDON, Dec. 15.—Viscount Grey, Ambassador to the United States, has been granted a leave of absence from Washington in order to come to England and discuss several important questions with the Government. It was announced by Premier Lloyd George in the House of Commons today.

Brooklyn Justice of Supreme Court Names Woman Secretary.

Supreme Court Justice-elect Arnon J. Squires of Brooklyn today set a precedent when he appointed Henrietta Pucha, a clerk in his law office, as his secretary. The place pays \$3,000 a year, and Miss Pucha is the first woman to occupy such a position in Brooklyn.

Fourteen-Year-Old Girl Burned to Death.

Helen Blanchard, fourteen, daughter of Amos Blanchard of Newton, N. J., died today from burns suffered when her clothing caught fire from a coal stove she was carrying to the yard of her home.

American Vines May Restore Brittany's Vineyards.

PARIS, Dec. 15.—Experiments made by Prof. Daniel of Rennes University in a vineyard near Rennes in planting hybrid vines, obtained by grafting American vines on the native, is responsible for the hope of the re-establishment of wine growing in Brittany.

Mount Holyoke Professor Dies.

SOUTH HADLEY, Mass., Dec. 15.—Dr. Carrie A. Harper, associate professor of English literature at the Emma R. Kennedy Foundation at Mount Holyoke College, died Saturday night in the Franklin County home in Greenfield.

## LITTLE JAMES BLAKE JR., WITH WHOSE MURDER HIS OWN MOTHER IS CHARGED



JAMES BLAKE, JR.

#### TO ASK HIGHER RAIL RATES.

T. D. Cuyler Says Billions a Year Must Be Spent to Handle Traffic.

The need of higher rates and new capital for improvements and repairs to the railroads was emphasized in a statement issued yesterday by Thomas D. Cuyler, Chairman of the Association of Railway Executives. Mr. Cuyler said that new capital expenditures of \$1,000,000,000 a year must be made by the roads, as against \$500,000,000 a year before the war, in order to build up the roads so that they can handle the traffic.

#### FIRE IN AUTO ROW.

Policemen and Firemen Steer Blazing Machines Into Street.

Ten thousand dollars' worth of runabouts were destroyed by fire in the Dwyer Storage Building, No. 210 West 77th Street, at 10:45 o'clock this morning. The building is located in the heart of Automobile Row. Blazing runabouts were stored into the street by policemen and firemen and the fire was quickly extinguished by Hook and Ladder Company No. 25, which is quartered across the street from the storage building.

#### MRS. BLAKE, HELD AS SLAYER OF SON, MAY ESCAPE TRIAL

(Continued From First Page.)

thing. To-morrow you will get the same statement from me."

An autopsy will be held today to determine whether the boy, who was virtually a mute and was known as "Buddie," was assaulted before he struck the water. There are bruises and other marks, but they may have resulted from the buffeting of the tides. A preliminary examination has satisfied the authorities death was due to drowning.

#### FAMILY HAD LONG FEARED FOR HER.

The authorities abandoned the kidnapping theory soon after the mother told her story Friday night. They have since learned that the boy's father, and her own family, had long feared something of the kind, and that the mother was never allowed to take either of the Blake children out alone.

The Blakes have been separated about four years, the decrees being obtained in Baltimore. There is a mystery as to the cause, and James Blake, husband of the mother, declines to make any statement except to say that she "was excitable and caused disturbances." He has refused to admit she was a drug addict.

He paid her \$20 a week, and they were not on unfriendly terms. She always lived nearby and was allowed to see the children as often as she wished. Her statements indicate she had an idea the afflicted boy stood between her and her husband.

"If Buddie had been placed in a hospital when he was a year old," she said Saturday, before the body was found, "or was in an institution now the barrier that keeps me and my husband separated would not exist. We'd have been together again."

At another time she said to the Chief of Police: "He came between me and my husband," and when asked why, replied: "He thought more of the child than he did of me." Mr. Blake said there was no basis for this belief. As to the drug charge all he would say was that she "took a lot of medicine."

Whatever obsession found lodgment in her mind, sick mind was born of drugs is the belief of most of those who have studied the case.

Her husband's affliction for her had been stricken by the incidents leading up to their separation and their four years apart, while for "Buddie" he displayed the more than ordinary devotion a father frequently feels for an afflicted child. But Mrs. Blake's delusion that the child's disappearance would effect the removal of barriers between her and her husband merely shows the quality of her mental action.

Samuel Blair of No. 41 Essex Avenue, Margate, immediately south of Ventnor, found "Buddie's" body. He was strolling along the boardwalk at 10 o'clock when he caught sight of the little body tossed along the beach by the incoming rollers. The tide was half flood and coming in strong. The body was almost level with the edge of the walk at the foot of New Haven Avenue, three or four blocks south of the Ventnor City Pier, on which Mrs. Blake's husband was found yesterday.

The boy was dressed as when he had been taken from his home Friday afternoon by the mother, in his little gray chinchilla overcoat, sweater suit, leggings and brown shoes. His cap was missing from his matted hair. Examination revealed a cut on the forehead, a smaller one under the nose, and a contused and blackened eye. These marks may have been inflicted when he was thrown from the pier or by striking the boardwalk piling.

After the body had been sent to the undertaker's office, Chief Sprague went to the house of Kirk Loveland, No. 231 Oriental Avenue, this city, where Mrs. Blake roomed. He found Mrs. Blake cool, of clear mind, in striking contrast to her state Saturday. She readily agreed to his suggestion that she should go to the Atlantic City Hospital, where she could receive proper medical care and nursing.

Funeral Directors.

A FUNERAL ARRANGEMENT once placed in our hands, means attention to every detail, no matter how seemingly unimportant.

The Superior "CAMPBELL SERVICE" is the result of years of experience combined with the proper selection of materials at the right price.

Call "Columbus 8200" Any Hour, Day or Night  
FRANK E. CAMPBELL  
"THE FUNERAL CHURCH"  
(NON SECTARIAN)  
Broadway at 60th St. 23rd Street at 8th Ave.  
Flowers for all occasions. Artistic Funeral Home.

## GERMAN REPLY IS CONCILIATORY; TO SIGN PROTOCOL

Accepts Allies' Note on All Points Except the Scapa Flow Incident.

PARIS, Dec. 15.—The German reply to the Allies' note demanding signature of the Peace Treaty protocol was submitted at 10:30 A. M. today. Baron von Lersner handed the note to Paul Duhaut, Secretary of the Peace Conference, with whom he discussed its contents.

The reply, it is understood, is conciliatory throughout. While still holding out against full repatriation demanded by the Allies for Scapa Flow, the impression is given that a solution will be easily arrived at.

The note declares Germany's intention to execute the peace treaty. It takes note of the Allies' promise to repatriate German war prisoners, then develops Germany's desires regarding the Scapa Flow incident.

Von Lersner announced that the group of German technicians will arrive to-morrow to take up conversations with the Allied representatives regarding Scapa Flow.

The impression prevails that the Germans will sign the protocol and exchange ratifications of the treaty before the end of this month.

#### UNDERTAKER TRIES TO SHIFT BLAME IN CALLIERS CASE

(Continued From First Page.)

Avenue flatly contradicted the sworn testimony he had given at a previous inquiry conducted by Chief Medical Examiner Charles Norris. When the discrepancies in his testimony were pointed out to him, Mr. Kelly, acting on the advice of his attorney, Sey-

mour Mark, No. 35 Nassau Street, refused to answer further questions.

Mr. Kelly told Dr. Calliess that he had been out of town when Mrs. Calliess's body was buried, and that the entire case had been attended to by his assistant, John Carney. A subpoena was issued for Carney, who will be examined this afternoon.

According to his newest statement, Undertaker Kelly left his establishment on Friday afternoon, Oct. 10, and did not return until the following Monday. He said that all of the papers on the case had been signed by Carney, who he said had authority to do so.

In addition to the investigations announced by the District Attorney's office and by Dr. Calliess, Mayor Hylan has directed Deputy Police Commissioner John A. Leach to ascertain what became of the personal property which Mrs. Calliess had on her when she was struck down by a Terminal and Town Taxi cab at the corner of 81st Street and Broadway less than thirty-six hours before her body was secretly buried on the edge of Mt. Kisco Cemetery.

"I have already sent to the West 68th Street Police Station for every record touching on the Calliess case in any way," Deputy Commissioner Leach told The Evening World, "and mean to go to the bottom of the matter. It will also be my aim to find out what became of the dead woman's effects. If there has been wrong-doing I want to find the man responsible and see that he is punished."

Deputy Commissioner Leach is also directed to ascertain if the police showed the proper diligence in connection with the accident and in notifying friends and relatives of the deceased. One particular phase of his inquiry will be to ascertain why, after Mrs. Calliess had been fatally injured and taken to the Roosevelt Hospital, the police notified Miss Louise Haigh, with whom Mrs. Calliess had been living, that Mrs. Calliess was "sick in New York Hospital."

Supt. George E. Grimshaw of Roosevelt Hospital said today that at the next meeting of the hospital association, composed of officials from all of the New York hospitals, he would propose a rule to make it impossible for an unscrupulous undertaker to get possession of a body by the presentation of a mere request. The proposed rule provides that in order for an undertaker to get possession of a body from a hospital he must present an affidavit executed before a notary public by some authorized person.

"Before The Evening World made its exposure in the Calliess case," he said, "we have had any reason to doubt the honesty of undertakers, and they have been permitted to take bodies on a mere note purporting to be from a relative or on a telephone call. From some person who said that he was a relative. I think we all realize now that more effective methods are needed to prevent a recurrence of the Calliess case."

Belgium Won't Restore Cloth Hall and Ypres Cathedral.

BRUSSELS, Dec. 15.—The Belgian National Congress of Architects passed a resolution today declaring against restoration of the Cloth Hall and Cathedral at Ypres.

Assorted Fruit and Nut Bites. These are dainty little candy pillows, luxuriously filled with delicately flavored and beautiful fruits. They are filled with chopped nuts and cream or luscious chocolate. 54c

Old Fashion Clear Candy or Clear Toys. These are the toothsome biscuits of crystalline clear candy in many styles and flavors, and those delicious Red and Yellow Animals. 37c

Peppermint Candy Cakes. These cutting into a box, and there is a whole lot of delicious candy for the kiddies of pure, wholesome peppermint candy. 29c

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## ATTEMPT TO ASSASSINATE THE PREMIER OF EGYPT

Assailant Hurls Bomb Then Fires Revolver—Incident Laid to Milner Mission.

CAIRO, Dec. 15.—Unsuccessful attempt was made this morning to assassinate the Premier. The attack was made while he was driving to the Ministry. His assailant, a student, was arrested.

The outrage occurred outside the Italian Club, opposite several headquarters. The assailant first threw a bomb and then fired a revolver.

CAIRO, Dec. 15.—The Egyptian Premier, on whose life an attempt was made in Cairo today, is Yusuf Wahba Pasha, who formed a Cabinet in November after the then existing Cabinet had resigned because of dissatisfaction over the appointment of the commission headed by Viscount Milner.

The police had directed soldiers to patrol several attempted demonstrations on Wednesday last at Cairo, according to advices received here today.

#### W. P. BURR IS RENT VICTIM.

Forced to Give Up Housekeeping—Takes Room at Club.

Corporation Chairman William P. Burr has been caught in the meshes of the rent problem. He found it necessary today to take a room in the Manhattan Club, while he searches for a new home.

"I had ascribed to continue these adventures offering \$1,000 bonus for rent," said Mr. Burr this morning. "I understood the situation and I was not going to let it go. I had some time ago and today found it impossible to obtain accommodations suitable for my family and myself, and we had to start all of our goods."

The rent proposition is indeed a serious one, and Mr. Burr is now in a position to pay with thousands of New Yorkers.

#### MAY EXTEND R. R. CONTROL.

Wilson Has Not Indicated When He Will Send Message.

WASHINGTON, Dec. 15.—President Wilson has not indicated when he will send a message to Congress on the railroad situation. White House officials said today. The President still has before him the report of Director General Hines, of the Railroad Administration, on the pending Cummins and Reek bills.

It is contended that Congress cannot act on the proposed legislation before the Christmas recess, and in the light of this it is generally expected that Government control will be continued until after the first of the New Year.

#### R. R. WAGE OFFER BY BRITAIN

Contains Terms of Settlement. Says Secretary of Transport.

LONDON, Dec. 15.—J. H. Thomas, general secretary of the National Union of Railwaymen, announced today that the Government had made a new wage standardization offer to the railwaymen.

He said he was unable to pledge acceptance of the proposition, but declared he believed the proposal was one which would result in the settlement of the wage question. The offer is to be discussed with the Government on Wednesday.

Mr. Thomas repudiated rumors that there would be a suddenly-called railway strike before Christmas.

#### Fourteen Children Killed by Roofs Collapse.